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PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number (Optional)
29250-000625/US

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On _____

Signature _____

Typed or printed name _____

Application Number
09/157,758Filed
September 21, 1998First Named Inventor
Raafat Edward KamelArt Unit
2666Examiner
Dang T. Ton

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages are provided.

I am the

☐ applicant/inventor

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 35,416.

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

Gary D. Yacura
Typed or printed name703-688-8000
Telephone numberFebruary 10, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/157,758
Filing Date: September 21, 1998
Applicant: Raafat E. KAMEL, et al.
Group Art Unit: 2666
Examiner: D. Ton
Title: METHOD AND APPARATUS FOR ADAPTIVE
SETTING OF INITIAL TRAFFIC POWER
Attorney Docket: 29250-000625/US

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Alexandria, VA 22314
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February 10, 2006

REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Further to the concurrent filing of the attached Notice of Appeal, the following remarks are submitted in connection with the above-identified patent application under the Pre-Appeal Brief Review.

Claims 1-26 are pending in the current application. Claims 1, 9, 15 and 21 are independent claims.

Material under Review

Review is requested for the rejection of claims 1, 2, 4, 8, 9, 15, 21 and 22 under 35 U.S.C. § 102(e) as anticipated by Takano, claims 3, 5, 6, 11, 12, 13, 17, 18, 19, 20, 23, 24 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Takano in view of Love, claims 7, 14 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Takano in view of Meidan and

claims 10 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Takano in view of Nakano.¹

Each of independent claims 1, 9, 15 and 21 recite “setting an initial power level in a forward link ... based on said interference measure”. Appellant notes that each of the independent claims stands rejected only under 35 U.S.C. 102(e) to Takano.

Interview Summary

Examiner Ton and Appellant’s representative discussed the above-recited claim feature present in each of the independent claims in a telephonic interview on February 6, 2006.² In the interview, the Examiner relied substantially upon arguments previously made in pages 2 and 11 of the Office Action mailed on November 10, 2005.³ In the interview, the Examiner indicated that the claim limitation “forward link” is broad enough to read on both (1) communications sent by a base station to a mobile station and (2) communications sent by a mobile station to a base station.⁴ The Examiner further stated that “setting an initial power level” can be performed by sending a TPC bit.⁵ Appellant will now explain how (i) a forward link is limited to communications from a base station to a mobile station and (ii) that TPC bits cannot set initial power levels.

Mobile station transmissions are not on the forward link.

As discussed above, the Examiner has construed the claim limitation “forward link” to read on mobile station transmissions.⁶ However, Appellant respectfully submits that it is well-known in the art that “forward link” communication is directed to communications from a base station to a mobile station.

For example, www.wikipedia.org defines a forward link as:

In radio communications, a forward link is the link from a fixed location (e.g., a base station) to a mobile user. If the link includes a communications relay satellite, the forward link will consist of both an uplink (base station to satellite) and a downlink (satellite to mobile user).⁷

¹ See pages 1-10 of the Office Action mailed on November 10, 2005.

² See interview summary mailed on February 6, 2006.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ See pages 2 and 11 of the Office Action mailed on November 10, 2005.

⁷ See <http://www.wikipedia.org>

and a reverse link as:

In radio communications, the reverse link (sometimes called a return link) is the link from a mobile user to a fixed base station.⁸

In view of the well-known meanings of forward and reverse links, Appellant respectfully submits that forward link communications do not include transmissions sent from a mobile station to a base station. Rather, communications sent from a mobile station to a base station are well-known to be reverse link communications.

Appellant also refers the Review Board to the Specification which reads “the typical base station initiates call setup by using nominally set initial power levels for traffic channels in the forward link (i.e., base station to mobile unit)”.⁹ Accordingly, in view of Appellant’s own specification and further in view of what is well-known in the art, Appellant respectfully submits that the Examiner’s overly broad interpretation of “forward link” to read on both forward and reverse links is improper. As such, Appellant respectfully submits that Takano cannot disclose or suggest “setting an initial power level in a forward link ... based on said interference measure” as recited in independent claims 1, 9, 15 and 21 (Emphasis added).

TPC bits cannot set initial power levels

While Appellant has above explained the difference between reverse links and forward links, Appellant further submits that TPC bits cannot set “initial” power levels. A TPC bit is typically a single binary bit (i.e., a “1” or “0”).¹⁰ TPC bits are sent from base stations to mobile stations to adjust mobile station transmission power levels.¹¹ Accordingly, if the TPC bit is set to a “1”, the mobile station increases its transmission power levels by a fixed amount.¹² Likewise, if the TPC bit is set to “0”, the mobile station decreases its transmission power levels by a fixed amount.¹³ Accordingly, the TPC bit adjustment can be viewed as an offset or adjustment, which is relative to a previously set power level. With this

⁸ *Id.*

⁹ See page 1, line 23 to page 2, line 1 of the specification.

¹⁰ See column 2, lines 21-23 of Takano.

¹¹ *Id.* at column 1, line 56 to column 2, line 23.

¹² *Id.* at column 2, lines 29-31.

¹³ *Id.*

understanding of TPC bits, Appellant cannot understand how a TPC bit can be used to set “an initial power level” because the TPC is used to cause a relative adjustment and it is unclear what power level the TPC bit would be adjusting if no previous power level exists.

Accordingly, even if one were to incorrectly read “forward link” on both forward links and reverse links, Appellant respectfully submits that TPC bits cannot set initial power levels. Therefore, Takano cannot disclose or suggest “setting an initial power level on a forward link ... based on said interference measure” as recited in independent claims 1, 9, 15 and 21 (Emphasis added).

Takano in combination with Love, Meidan and/or Nakano are similarly deficient

A cursory review of Love, Meidan and Nakano reveals that Love, Meidan and Nakano are insufficient to overcome the above described deficiencies of Takano with respect to independent claims 1, 9, 15 and 21. As such, claims 2-8, 10-14, 16-20 and 22-26 dependent upon independent claims 1, 9, 15 and 21, respectively, are likewise allowable over Takano in view of any of Love, Meidan and Nakano for at least the reasons given above with respect to independent claims 1, 9, 15 and 21.

Accordingly, Appellant respectfully requests that the Review Board recommend a withdrawal of all art grounds of rejection and issuance of the present application.

CONCLUSION

Accordingly, in view of the remarks, reconsideration of the rejections and allowance of each of claims 1-26 in connection with the present application is earnestly solicited.

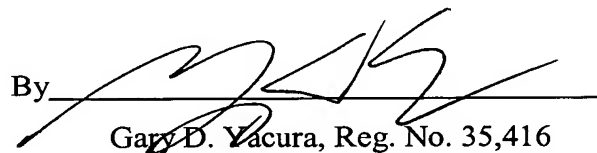
Should there be any outstanding matters that need to be resolved in the present application, the Pre-Appeal Brief Review Board is respectfully requested to contact the undersigned at the telephone number.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

By

A handwritten signature in black ink, appearing to read 'GV', is written over a horizontal line.

Gary D. Vacura, Reg. No. 35,416

GDY/DAP:psy

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